

REMARKS

Claims 1-26 are pending in the present application, with claims 1, 18 and 21 being the independent claims. Claims 1-26 stand rejected.

Acknowledgement of the drawings as formal drawings is respectfully requested.

Reconsideration of the outstanding rejections to the claims is respectfully requested in view of the following remarks.

Claim Objections

The examiner maintains that claim 1, 4 and 5 recite the limitation “the first computer object” in line 6 of claim 1. Applicants respectfully disagree. Line 2 of claim 1 recites “a first computing object”. All of the references cited by the examiner recite “*computing* object” and find antecedent basis in line 2 of claim 1. Withdrawal of the rejection is respectfully requested.

The examiner maintains that “the first copy” in line 2 of claim 4 and line 1 of claim 5 lack antecedent basis. Applicants have amended the claim.

Claim Rejections – 35 USC § 101

The examiner maintains that claims 16 and 17, recite a signal per se. The claimed invention is directed to non-statutory subject matter, see page 13, lines 7-14 of specification.

The examiner maintains that claims 18-20 recite a data structure without producing any tangible results and consequently are directed to non-statutory subject matter.

Applicants respectfully disagree. Applicants submit that claim 18 recites “wherein the message is processed as a request to join a multiparty application session” which is a tangible result. For at least that reason, Claims 18-20 are statutory.

Claim Rejections – 35 USC § 112

The examiner maintains that the term “session number” as recited in claim 18 the term “nway” in claim 20 are vague and indefinite because: they “[have] not been defined or explicitly mentioned in the specification or in any embodiments.”

Applicants respectfully disagree. First, the claims at least are part of the specification. Both claims were part of the originally filed specification. Second, the examiner has misstated the law as it relates to §112, paragraph 2. § 112, paragraph 2. The proper test whether the scope of the claim is “reasonably ascertainable by those skilled in the art.” Here, session number is well understood by those of skill in the art. With respect to claim 20, the claim is clear on its face the text portion comprises the text “nway”. Applicants request reconsideration and withdrawal of the 112 rejection. See e.g., *Energizer Holdings v. ITC*, 2006 U.S. App. LEXIS 1760 (Fed. Cir. Jan. 25, 2006).

Claim Rejections – 35 USC § 102

Claims 1-26, are rejected under 35 U.S.C. 102(e) as being anticipated by Harvey et al. (US 6,519,629 B2), hereinafter “Harvey”.

Regarding claim 1, the examiner maintains that Harvey teaches the elements as follows:

establishing a communication from a first computing object to an intermediary system wherein the intermediary multicasts messages among the first computer and a plurality of other computing objects in communication with the intermediary (Col.13, lines 14-17);

transmitting a message indicative of an invitation to collaboratively execute an application from the first computing object to the intermediary system whereby the message is multicast to the other ones of the plurality of computing objects (Col. 13, lines 20-21);

receiving a message indicative of acceptance at the first computing object from at least one of the other ones of the plurality of computing objects (Co.13, lines 28-29)

Claim 1, as amended, reads as follows

transmitting *a message by way of the established communication indicative of an invitation* to collaboratively execute an application from the first computing object to the intermediary system whereby the message is multicast to the other ones of the plurality of computing objects and wherein each of the other ones of the plurality of computing objects launches a first application;

Accordingly, claim 1 patentably defines over Harvey because Harvey does not teach the use of a message transmission in an established multiparty communication to send an invitation to start a multi-party application.

Claim 18 has a similar limitation in that it recites:

a message indicative of an invitation to join a multiparty application, said message comprising a first portion indicative of the invitation and a second portion indicative of a communications session number in a messaging system wherein the message is processed as a request to join a multiparty application session.

(Emphasis added.) Claim 21, as amended, recites in part:

at least one of the plurality of computing objects comprising computer readable instructions for *inviting computing objects by way of real-time communication* to collaboratively execute a computer application by way of the intermediary computer-readable instructions wherein each of computing objects launches a local copy of the computing application.

(Emphasis added.)

Accordingly, independent claims 1, 18 and 21 patentably define over Harvey for at least the foregoing reasons. Inasmuch as claims 2-17, 19-20 and 22-26 depend from claims 1, 18 and 21, Applicants submit that they also define over Harvey for at least the same reasons.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact Applicants' representative.

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